

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ORLANDO LEWAYNE PILCHER,

Petitioner,

v.

ROBERT FENTON,

Defendant.

ORDER

09-cv-46-slc¹

On April 13, 2009, I granted plaintiff leave to proceed on his claim that defendant Robert Fenton used excessive force against him in violation of the Eighth Amendment. I dismissed his claim against the Federal Bureau of Prisons because it could not be sued under the Constitution. I dismissed all of his other claims.

In the same order, I gave plaintiff until April 27, 2009 to complete and return Marshals Service and summons forms for the defendant. In response to my April 13, 2009 order, plaintiff filed a motion to transfer his case to another venue so he could litigate all of his claims together. I denied this motion.

¹ Because consents to the magistrate judge's jurisdiction have not yet been filed by the parties to this action, I am assuming jurisdiction over the case for the purpose of issuing this order.

As of this date plaintiff has not submitted the completed Marshals Service and summons forms. I will give him until May 19, 2009 to submit these forms. If plaintiff fails to submit the completed forms by that date, I will dismiss this case for plaintiff's failure to prosecute it.

ORDER

IT IS ORDERED that plaintiff has until May 19, 2009 to submit the completed Marshals Service and summons forms. If the forms are not received by that date, the clerk of court is directed to close the case.

Entered this 6th day of May, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge